



NATIONAL TRANSPORTATION SAFETY BOARD - **Public Hearing**

Conrail Derailment in Paulsboro, NJ with Vinyl Chloride Release

GROUP	3
EXHIBIT	
AF	

Agency / Organization

US Coast Guard

Title

US Coast Guard Area Contingency Plan

Section 1600 - State Response Policy

1600 State Response Policy

This Area Contingency Plan coordinates with the state response policies of Delaware, New Jersey, and Pennsylvania. The following information was supplied by the above referenced states and was adopted into this plan with minor font and formatting changes which did not alter the information or content.

DELAWARE

Delaware Pollution Control Act of 1949: Title 7, Delaware Code, Chapters 60-64.

Provisions: General water-quality criteria are as follows: "The waters shall not contain substances attributable to municipal, industrial, agricultural, or other discharges in concentrations or amounts sufficient to be adverse or harmful to water uses to be protected, or to a human, animal, aquatic, and wildlife. The waters shall be free from unsightly and malodorous nuisances due to floating solids or sludge deposits, debris, oil, and scum."

The Delaware Department of Natural Resources & Environmental Control, headquartered at Dover, Delaware, carries out enforcement of the state's pollution laws.

NEW JERSEY

In New Jersey, the state's main role in any hazmat incident is to assist local government, and take part in the unified command as appropriate. Certain resources exist at the state level, and if requested can be made available to assist federal and local responders in a marine hazmat incident.

A release or threatened release of a hazardous material within the State of New Jersey must be reported to the DEP Hotline (1 877 WARN DEP; 1 877 927-6337).

Hazardous material includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health or safety or to the environment, if released. Under New Jersey law petroleum products, including crude and refined oils, are hazardous substances.

There is no minimum reportable quantity. An immediate verbal report of any release or threatened release of hazardous material must be made to the DEP Hotline by either the discharger or any local government entity that discovers a discharge. This immediate report should include: location of the release or threatened release; the name(s) of the person(s) reporting; hazardous material involved; estimates of the quantity, and potential hazards presented by the material.

NJDEP will notify other federal and state agencies and appropriate local government contacts as specified in law. Assistance may be sought from local agencies, other state agencies, or the federal government for any incident response. In New Jersey, the primary state agencies that will assist the incident responders are the following:

Department of Environmental Protection – has enforcement authority for violations of regulations and statutes protecting all environmental media and human health exposures. Operates the Bureau of Emergency Response capable of responding twenty four hours a day statewide. Has access to the N. J. Spill Fund to engage additional spill response assets. Operates the Hotline, which receives all reports of environmental incidents and distributes information to state, county, and local resources.

New Jersey State Police – Operates the State Office of Emergency Management which coordinates planning and response issues at the State, County and Local levels of government. Has statewide law enforcement authority and patrol responsibility for all major highway systems.

1. Five levels of emergency management will be used statewide to create uniform organization and terminology. The five levels are field/incident, local government, county government, OEM region, and state.
2. Five standard functions of the emergency response organization (ICS/IMS) at all levels will be used. The five levels are command/management, operations, plans/intelligence, logistics, and finance/administration.
3. A statewide master mutual-aid system exists for coordination of county, regional, and state resources during major emergencies.
4. All state and local agencies must coordinate with the Office of Emergency Management during disaster responses and it is an eligibility requirement for local governments and agencies to receive state reimbursement following a disaster.

For most hazmat emergencies, local-government responders will be on scene first at an incident within their jurisdiction. If not present on the scene, local-government representatives should be brought into the management of the incident as soon as possible. This is accomplished by the notification of local entities by the DEP Hotline. Generally, in any hazmat incident-assisting agencies will respond from three functional areas:

1. Fire Services - Certain fire departments have established a hazmat response team whose organizational structure will provide the necessary supervision and control for the essential functions required at a hazmat incident.
2. Law Enforcement - The local law-enforcement agency will respond to most hazmat incidents. Depending on the incident factors, law enforcement may be a partner in the unified command of the incident, or may participate as an assisting agency. Some functional responsibilities which may be handled by law enforcement include: isolating the incident area; managing crowd control; traffic control; providing protective public action, such as evacuations or sheltering-in-place; and managing criminal investigations.

3. County Environmental-Health Agencies (CEHA) - In most cases, the local or county environmental-health agency will be at the scene as a partner in the command of the incident. Some functional responsibilities which may be handled by environmental-health agencies include: determining the nature and identity of the hazardous material; establishing the criteria for cleanup and disposal of the material; declaring the site safe for reentry by the public; providing the medical history of exposed individuals; monitoring the surrounding environment; assisting in the cleanup of the site; and providing technical advice.

These three functional areas will be addressed through local, state and federal officials responding to the incident utilizing the incident-command system. The design of the ICS structure and the makeup of the unified command will be determined by the specifics of a particular incident.

New Jersey Pollution Response Posture

The New Jersey State Law requires that all Haz Mat pollution incidents be reported to the Department of Environmental Protection's Emergency Hotline (877) 927-6337. Initial reports are screened and appropriate incidents are immediately forwarded to a BER duty officer, to a NJSP-OEM duty officer and to the designated municipal contact in the impacted municipality. Incidents received by the Bureau of Emergency Response Duty Officer are evaluated to determine if an immediate deployment is required. When multiple deployments are required, the incidents are prioritized and the deployments are made in order of priority.

Generally, BER staff is deployed immediately to a credible report of:

1. A significant release, spill or discharge of a T.C.P.A. - Extraordinary Hazardous Substance.
2. An incident resulting in fatalities or multiple hospitalizations directly due to a release, spill or discharge of hazardous materials.
3. An incident resulting in significant residential evacuations and/or in a significant facility evacuation.
4. An incident having inter-state impact.
5. Medium or major oil spills & minor spill in pristine waters.
6. Numbered highway closure directly due to release, spill, or discharge of hazardous materials.
7. An emergency requiring authorization for opening the New Jersey Spill Fund or involving National Pollution Trust Fund compensation.

Incidents, which do not meet immediate response criteria, are referred to the County Health Act (CEHA) counties or to qualified local HazMat teams for initial

investigation. BER may subsequently respond to these incidents when incident resolution starts to go beyond the local unit's capabilities. BER will also deploy at the request of Federal Agencies: EPA, USCG, DEA, etc.

Significant incidents such as major oil spills, chemical explosions or chemical fires with casualties or mass evacuations normally generate a joint regional response with the New Jersey State Police's Office of Emergency Management (NJSP-OEM). State support continues on-site until the emergency is terminated.

Additional information concerning New Jersey policy on oil and hazardous material releases can be found in the [New Jersey DEP Contingency Plan](#).

PENNSYLVANIA

The emergencies to which DEP responds can also be divided into these groups. The first of these include those emergencies, which do not pose a significant threat to the response personnel (e.g., an oil spill, a water shortage, or a food-borne illness). The second group includes those emergencies, which although they do pose a risk to the response personnel, are within the normal range of duties of the responsible program staff (e.g., a forest fire, a mine accident, or a fixed nuclear facility incident). The third group includes hazardous materials releases to the air, ground, or water, which are beyond the response capabilities of the normal program staff, due to the specialized sampling, mitigation, and personal protective equipment and training required. For the purpose of clarification in this plan, the term "emergency" shall refer to all three of the above groups; and the term "hazardous materials incident" shall refer specifically to this last group.

The Environmental Emergency Response Program's mission is to ensure prompt response to the above first two groups through coordination of the regular program staffs and to form and train emergency response teams to respond to hazardous materials incidents.

The Environmental Emergency Response Program is structured to protect the natural environment and to protect the public health and safety at the above-listed emergencies by providing timely assistance to the organization or persons primarily responsible for the control of the emergency. This might be a DEP program, a fire chief, the police, elected officials, a facility owner, or a federal agency. For the purposes of this manual, these parties, who are responsible for the response, will be called "Incident Commanders." The Environmental Emergency Program is not structured to provide those services normally under the province of these incident commanders, nor is it structured to preempt the incident commanders' prerogatives in carrying out their duties. It is a program which provides consultation in the techniques to be used for a particular situation to best protect public health and the environment and which provides coordination of DEP multi-program responses.

The Environmental Emergency Response Program will also assist in the assessment of damages resulting from natural disasters or major environmental emergencies. In carrying out this portion of the program, emergency management personnel will rely heavily on the expertise of the individual program areas within the deputates.

An important aspect of DEP's program is the tenet that the person responsible for causing the problem is responsible for all aspects of correcting the problem. In the case of spills, local elected officials, through their emergency response agencies, are generally responsible for providing immediate containment and mitigation, at least until the responsible party can take over the response. Mitigation, containment, and clean-up are generally not proper functions of the Emergency Response Program. However, all personnel involved with this program will carry, in their vehicles and in the vans, a small quantity of commonly used containment supplies and equipment. They will use this equipment in a limited number of cases under special circumstances (e.g., a dire emergency, they are first on the scene, low hazard exposure to the DEP personnel). Additionally, the department's Regional Emergency Response Program Managers (ERPM's) are authorized to enter into emergency contracts on behalf of the department, when the responsible party or the first responders are unable or unwilling to act; and, immediate action is necessary to protect the public health or the environment.

STAFFING AND LINES OF AUTHORITY

The Director of DEP's Environmental Emergency Response Program has the direct authority of the Secretary of DEP in directing the department's response to environmental emergencies and natural disasters. Although this position is organizationally under the Deputy Secretary for Field Operations, it is nevertheless responsible for coordination of the entire department's response effort. The Field Operations Deputate's Regional Emergency Response Program Managers (ERPMs) have the direct authority of the Regional Directors in directing response to incidents within their respective regions. Volunteer personnel are drawn from the regular program staff to provide the manpower for the response as necessary. The ERPM's also have authority to coordinate responses in their respective regions for the other deputates under this plan.

EMPLOYEE HEALTH AND SAFETY

The health and safety of DEP emergency response personnel is of the highest importance. DEP employees shall not be permitted to participate in field activities involving hazardous materials until they receive adequate training, as defined in the training section, or otherwise demonstrate they have the knowledge to safely respond to a given incident by virtue of their work experience. The determination whether an employee without formal training has adequate experience to respond shall be made jointly by the ERPM and the employee's supervisors. Additionally, employees will not be sent into a hazardous situation without being made aware of the hazards involved, either by virtue of previous training or by a briefing by a knowledgeable

person, prior to entry. And finally, DEP employees will not be sent into a hazardous situation without appropriate personnel protective equipment to provide them with adequate protection. The ERPM has ultimate authority in making sure the Health and Safety Program is enforced at the scene of an incident, but he may delegate this authority to a health and safety officer.

COMMUNICATIONS

Communications at the scene of an incident are under the control of the DEP team leader. All communications between DEP and other operational response organizations will be made through the team leader. No communications with the press shall be made by anyone other than the team leader or his designee. In major instances, the community relations' coordinator will be on scene and will serve in this capacity.

REGIONALIZATION OF PROGRAM

To be an effective program, the emergency response program must provide the quickest possible response to environmental emergencies. To this end, the field operations portion of the response program has been decentralized to the FO regional offices. Direct initial contacts are encouraged at the regional level for all incidents, except those reported by PEMA. The regions are then responsible for notifying the Director of Environmental Emergency Response of incidents, which require his attention as defined in the section on general response patterns and major organizational responsibilities.

HEADQUARTERS FOR DEP RESPONSE

Major DEP responses will be run out of the DEP headquarters. Availability of DEP communications equipment, technical reference material, computer equipment, and access to program and senior management personnel necessitate this approach to managing an effective response. Regional responses will be run out of the regional headquarters. The decision to go from a regional response to a major DEP response will be made by the director of Environmental Emergency Response or the appropriate deputy secretary.